

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 16-0720

MONTANA COUNTY ATTORNEYS
ASSOCIATION, MONTANA LEAGUE
OF CITIES AND TOWNS, MONTANA
ASSOCIATION OF COUNTIES,
ACLU OF MONTANA, LEWIS &
CLARK COUNTY ATTORNEY LEO J.
GALLAGHER, and HELENA CITY
ATTORNEY THOMAS J. JODOIN,

Petitioners,

v.

STATE OF MONTANA, MONTANA
ATTORNEY GENERAL TIM FOX,
and MONTANA SECRETARY OF
STATE LINDA McCULLOCH,

Respondents.

ORDER

FILED

DEC -2 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

The Petitioners, in their individual capacities and by counsel, have filed on this date a "Petition for Declaratory and Injunctive Relief on Original Jurisdiction and Request for Expedited Consideration." The Petition concerns Constitutional Initiative 116 (CI-116), which was approved by a majority of the Montana voters at the general election and amends the Constitution by adding thereto Article II, Section 36, Rights of Crime Victims (hereinafter Section 36). Petitioners allege they believe that the Secretary of State will certify on or before December 5, 2016, that CI-116 was approved by a majority of the voters with an immediate effective date being the date of certification. They further allege they believe that the Respondent Attorney General will instruct them that Section 36 will be effective on the date of certification by the Secretary of State.

Petitioners explain in their Petition why they believe that Section 36 should have an effective date of July 1, 2017, pursuant to Article XIV, Section 9(3) and § 13-27-105(2), MCA, and not an immediate effective date, both from a constitutional and statutory standpoint, and given the complexities of preparing to implement this wide-ranging constitutional amendment.

Petitioners seek our acceptance of original jurisdiction in this matter, and a declaration that the effective date of Section 36 is July 1, 2017. They ask that we enter an Order enjoining the Secretary of State to perform her ministerial duty to certify the Board of Canvassers' determination that Section 36 is effective July 1, 2017, and that we enjoin the Attorney General from declaring that Section 36 is effective on the certification date, pending this Court's final determination of the Petition.

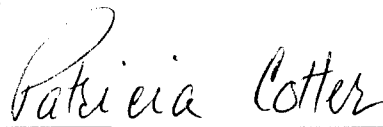
We deem it appropriate to receive a response from the Respondents to the Petition before any determination is made declaring the effective date of Section 36. Therefore,

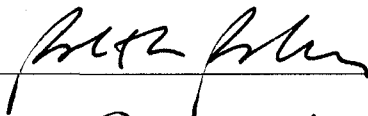
IT IS ORDERED that the Secretary of State shall be and hereby is ENJOINED from declaring an effective date of Section 36 until further Order of this Court.

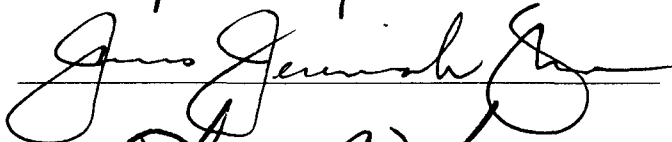
IT IS FURTHER ORDERED that the Respondents shall, within 14 days of the date of this Order, file a brief with this Court setting forth their positions and authorities in response to the Petition. Respondents' briefs shall not exceed 20 pages respectively. There shall be no additional briefing without further Order of this Court.


The Clerk of this Court is directed to serve immediate notice of this Order upon all counsel of record and upon Montana Attorney General Tim Fox and Montana Secretary of State Linda McCulloch.

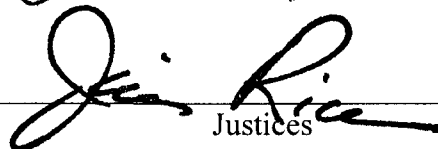
DATED this 2nd day of December, 2016.










_____ Justices